

opposed back side panels and a back center panel positioned between and interconnecting the back side panels, at least one pair of side panels being elastomeric in a direction generally parallel to the transverse axis, the absorbent chassis comprising a bodyside liner, an outer cover bonded to the bodyside liner, and an absorbent assembly disposed between the bodyside liner and the outer cover; and

a fastening system for releasably securing the absorbent article in a pant-like configuration, the fastening system comprising first and second fastening components disposed on the back side panels and adapted to releasably engage first and second mating fastening components disposed on the front side panels;

wherein a transverse distance between the first and second fastening components is substantially equal to a transverse distance between the first and second mating fastening components,

wherein the absorbent chassis defines an inner surface and an opposite outer surface, and the first and second fastening components comprise loop type fasteners disposed on the inner surface and the first and second mating fastening components comprise hook type fasteners disposed on the outer surface,

wherein the loop type fasteners are sized larger than the mating hook type fasteners.

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## Remarks

The application contains claims 5, 8 and 14-29. Claims 1-4, 6-7 and 9-13 have been canceled so as not to delay allowance of the present application. Claims 5 and 8 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. A **Clean Version Of Pending Claims** resulting from this Amendment is enclosed and made a part hereof. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

### A. Rejection Of Claims 1-7, 9-13 and 25-28 Under 35 U.S.C. § 102 (a)

Claims 1-7, 9-13 and 25-28 stand rejected under 35 U.S.C. § 102 (a) as being anticipated by PCT Patent Application WO 97/46197 published December 11, 1997 in the name of Kling et al. ("Kling"). Claims 1-4, 6-7 and 9-13 have been canceled so as not to delay allowance of the present application. Claim 5 has been rewritten in independent form

to include all of the limitations of the base claim. Applicants respectfully traverse the rejection with respect to claims 5 and 25-28.

Kling is directed to a diaper having gripping means to make the diapering process easier. See p. 6, l. 27 to p. 7, l. 2. The diaper includes a liquid-impermeable barrier layer 9 and a liquid-permeable outer material 11. P. 12, ll. 34-37; Fig. 1. The diaper includes an elastic pants layer 12 which extends transversely of the diaper outwardly of the side edges of the outer material 11 and the barrier layer 9, so as to form four corner portions 13-16 in respective front and rear parts 2,3 of the diaper. P. 13, ll. 20-25; Fig. 1. The elastic pants layer 12 includes an elastic net 19 which is elastic in both the longitudinal and transverse directions of the diaper. P. 13, ll. 27-32. In one embodiment, the elastic pants layer 12 comprises two separate layers which have been joined between the side-edge parts of the outer material and the barrier layer on respective long sides of the absorbent body 10. P. 14, ll. 25-31. The diaper has two side edges 7,8 which curve towards one another to form a relatively narrow crotch part 4. P. 12, ll. 7-11; Fig. 1.

Claim 5 of the present application is directed to an absorbent article having "leg elastic members longitudinally aligned along each side edge in the crotch region, the leg elastic members having front terminal points located adjacent longitudinally innermost parts of the front side panels and back terminal points located adjacent longitudinally innermost parts of the back side panels." One embodiment of such an arrangement is representatively illustrated in Figure 3, wherein leg elastic members 58 are longitudinally aligned along each side edge 47 of the composite structure 33.

Kling does not appear to disclose leg elastic members as presently claimed. Kling only discloses an elastic net 19 sandwiched within the elastic pants layer 12. The elastic net 19 does not have "front terminal points located adjacent longitudinally innermost parts of the front side panels and back terminal points located adjacent longitudinally innermost parts of the back side panels" as claimed by Applicants. Leg elastic members having "front terminal points located adjacent longitudinally innermost parts of the front side panels and back terminal points located adjacent longitudinally innermost parts of the back side panels" – in concert with the front and back pairs of side panels, at least one pair of which is elastomeric - provide the pant of claim 5 with a continuous, snug fit around the leg of the wearer, as the side edges 36 of the absorbent chassis are rendered elastomeric circumferentially around much of the wearer's leg. Because Kling does not disclose each and every element of Applicants' invention as claimed, claim 5 is believed to define patentable subject matter.

Claim 25 of the present application is directed to an absorbent article having "a pair of elastomeric, nonwoven front side panels extending from the waist opening to each leg opening" and "a pair of elastomeric, nonwoven back side panels extending from the waist opening to each leg opening[.]" As noted in the detailed description, both the front and back side panels have leg end edges 70 which extend from the side edges 47 of the composite structure 33. See p. 18, ll. 4-5. One embodiment of such front and back side panels is representatively illustrated in Figures 2 and 3.

Kling does not disclose a pair of front side panels bonded to the composite structure in the front waist region, and a pair of back side panels bonded to the composite structure in the back waist region. Kling appears to disclose attaching a single, full-length panel on each side of the central absorbent body. See Kling, p. 14, ll. 25-31; Fig. 1. In contrast, Applicants' invention as claimed employs two separate, spaced-apart panels on each side of the composite structure 33. Each of the four resulting panels has a leg end edge 70 which intersects one of two opposed side edges 36 of the composite structure 33. Because Kling does not disclose a pair of front side panels and a separate pair of back side panels, Kling does not disclose each and every element of independent claim 25. Hence, Applicants respectfully assert that independent claim 25, and claims 26-28 which depend therefrom, define patentable subject matter.

#### **B. Rejection Of Claims 14-18 and 20 Under 35 U.S.C. § 103 (a)**

Claims 14-18 and 20 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kling. For at least the following reasons, Applicants respectfully traverse these rejections.

Claim 14 of the present application is directed to an absorbent article having "first and second front side panels bonded to the composite structure in the front waist region" and "first and second back side panels bonded to the composite structure in the back waist region[.]" As noted in the detailed description, both the front and back side panels have leg end edges 70 which extend from the side edges 47 of the composite structure 33. See p. 18, ll. 4-5. One embodiment of such front and back side panels is representatively illustrated in Figures 2 and 3.

Kling does not disclose first and second front side panels bonded to the composite structure in the front waist region, and first and second back side panels bonded to the composite structure in the back waist region. Kling appears to disclose attaching a single,

full-length panel on each side of the central absorbent body. See Kling, p. 14, ll. 25-31; Fig. 1. In contrast, Applicants' invention as claimed employs two separate, spaced-apart panels on each side of the composite structure 33. Each of the four resulting panels has a leg end edge 70 which intersects one of two opposed side edges 36 of the composite structure 33. Because Kling does not disclose first and second front side panels and separate first and second back side panels, Kling does not disclose each and every element of independent claim 14. Hence, Applicants respectfully assert that independent claim 14, and claims 15-20 which depend therefrom, define patentable subject matter.

**C. Rejection Of Claims 8, 19 and 29 Under 35 U.S.C. § 103 (a)**

Claims 8, 19 and 29 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kling in view of U.S. Patent 5,087,253 issued February 11, 1992 to Cooper. Claim 8 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants respectfully traverse this rejection.

Independent claim 8 includes the limitation that "the loop type fasteners" are "sized larger than the mating hook type fasteners." The Examiner refers to Figures 8 and 9 of Cooper for the proposition that "Cooper discloses a diaper/training pant absorbent article [which] comprises hook and loop fasteners wherein the loop fasteners are larger than the hook fasteners ...." Paper No. 12, p. 7. Applicants believe that the Examiner misunderstands Applicants' invention as claimed. Applicants' claim language "loop type fasteners ... sized larger than the mating hook type fasteners" refers to the relative areas of the fastening components, and not to the dimensions of the fastening components' individual projections. One purpose of providing "loop type fasteners ... sized larger than the mating hook type fasteners" is to provide a relatively large surface area to which the hook type fastening component can be attached, thus improving the chance that the entire surface of the hook type fastening component will be received by the loop type fastening component during the fastening process, even if the hook type fastening component is not perfectly centered upon the loop type fastening component. The proper meaning of this claim limitation is clear from the specification:

Where the fastening components 82 and 83 comprise loop type fasteners disposed on the inner surface 28 and the mating fastening components 84 and 85 comprise hook type fasteners disposed on the outer surface 30, the fastening components can be sized larger than the mating fastening components to ensure coverage of the rigid, outwardly-directed hooks.

P. 21, ll. 5-9. In contrast, Cooper teaches that the hook type fastening components 74 and 76 are the same size as the loop type fastening components 70 and 72. See Fig. 7. For at least this reason, claim 8 is believed to be patentable over Kling in view of Cooper.

Claim 19 depends from independent claim 14. Because Cooper does not remedy the deficiencies of Kling noted above with respect to claim 14, claim 19 is believed to be patentable for the reasons noted above in relation to claim 14. Claim 19 is also believed to be patentable for the reasons noted above in relation to independent claim 8.

Claim 29 includes a limitation similar to that of independent claim 14 as discussed above – namely, the training pant of claim 29 includes first and second front side panels bonded to the composite structure in the front waist region, and first and second back side panels bonded to the composite structure in the back waist region. As explained above with respect to the rejection of claim 14, Kling does not disclose two pairs of panels for a total of four, separate panels. For at least this reason, claim 29 is believed to be patentable over Kling in view of Cooper.

**D. Rejection Of Claims 21-24 in Under 35 U.S.C. § 103 (a)**

Claims 21-24 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kling in view of U.S. Patent 5,782,819 issued July 21, 1998 to Tanzer et al. ("Tanzer"). Independent claim 21 includes a limitation similar to that of independent claim 14 as discussed above – namely, the absorbent article of claim 21 includes first and second side panels bonded to the composite structure in a first waist region, and first and second side panels bonded to the composite structure in a second waist region. As explained above with respect to the rejection of claim 14, Kling does not disclose two pairs of panels for a total of four, separate panels. For at least this reason, independent claim 21, and claims 22-24 which depend therefrom, are believed patentable over Kling in view of Tanzer.

In addition, claims 23 and 24 include the limitation that the first and second fastening components comprise integral portions of the support members. Neither Kling nor Tanzer, alone or in combination, discloses fastening components which comprise integral portions of the support members. Claims 23-24 are believed to be patentable over both Kling and Tanzer for at least this additional reason.

**E. Information Disclosure Statement**

The Examiner's attention is drawn to the Supplemental Information Disclosure Statement that was mailed on February 18, 2002. The Examiner is requested to make of record receipt and review of the documents listed therein.

**F. Conclusion**

The application now contains claims 5, 8 and 14-29 which are believed to be in condition for allowance. Applicants would like to thank the Examiner for the careful attention paid to the present application. Early allowance of the claims in view of the above remarks is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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**CERTIFICATE OF MAILING**

I, Mary L. Roberts, hereby certify that on March 4, 2002 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

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